

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES WHITLOW,

Petitioner,

v.

Civil Action No. 15-12744

DAVID BALLARD,

Respondent.

ORDER

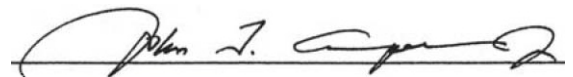
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on February 2, 2017; and the magistrate judge having recommended that the court deny the petitioner's Motion for Summary Judgment and Motion to Remand to the Circuit Court of Fayette County, West Virginia (ECF No. 14); and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings recommended in Part (C) of the Proposed Findings and Recommendation of the Magistrate Judge be, and they hereby are, adopted by the court and incorporated herein; and

2. Petitioner's Motion for Summary Judgment and Motion to Remand to the Circuit Court of Fayette County, West Virginia be, and they hereby are, denied.

The Clerk is directed to forward copies of this order to all counsel of record and the United States Magistrate Judge.

DATED: March 13, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge